

Remarks/Arguments

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

A. Status of the Claims

As a result of the present amendment, Claims 7 – 12 are presented for continued examination.

Claims 7, 11, and 12 have been amended to more clearly recite the elements of the combination. No new matter has been added.

B. The Presently Claimed Invention

The presently claimed invention comprises at least one fiber optic sensor that extends in the front region of a motor vehicle, the sensor being deformable by the collision of motor vehicle with an object and which generates a signal in response to the collision, and at least one infrared sensor which generates a signal in response to detection of an animate object to distinguish between a collision of the vehicle with an animate object or an inanimate object.

C. Claim Rejections Under 35 USC §112

Claims 7 and 11 – 12 were rejected as allegedly indefinite. These claims have been amended to comply with conventional United States formatting. Applicant requests withdrawal of this rejection.

D. Claims Rejected Under 35 USC §103

The Examiner rejected Claim 7 as allegedly obvious over Zoratti USP 7,098,778 in view of Leitner US Pub 2005/0173866. The Examiner stated that Zoratti discloses a fiber optic sensor and an infrared sensor. The Examiner stated that Zoratti does (sic-does not?) teach a sensor system having a fiber optic to deform upon collision. The Examiner stated that Leitner discloses a deformable fiber optic, and that it would have been obvious to combine a deformable fiber optic of Leitner with Zoratti.

Applicant has reviewed Zoratti and confirms that Zoratti does not disclose a deformable fiber optic cable. Zoratti mentions only a “bend sensitive fiber optic sensor” in Col. 6, lines 6 – 8, and elsewhere. Further, Zoratti does not disclose an infrared sensor, or any other sensor, which can discriminate animate from inanimate objects. The term, “infrared” does not appear anywhere in this patent, according to applicant’s search. The Leitner reference relates simply to a control for a retractable deck strip along the side of a vehicle which uses a fiber optic to detect whether an object is being pinched when the deck step is retracted, and does not relate to detecting whether a collision occurs in the front of a vehicle, or discriminating whether the vehicle has a collision with an animate or an inanimate object.

Applicant urges that Zoratti and Leitner relate to different aspect of vehicles and that one skilled in the art would not combine them. However, even if they were somehow combined, the result would not provide any way to detect between collision of a vehicle with animate or inanimate objects because neither reference teaches or suggests any such sensor for detecting animate objects to discriminate between animate or inanimate objects.

For at least the foregoing reasons, Claim 1 is believed to be patentable over Zoratti and Leitner. Claims 8 – 12 depend from Claim 1 and should be patentable for at least the same reasons.

E. Fees

No fees are believed to be due. However, if any fee is determined to be due, authorization is hereby given to charge the fee to deposit account #02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

F. Conclusion


In view of the amendments and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

LUCAS & MERCANTI, LLP

By: _____

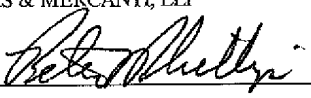

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